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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ROBERT EARLE JOHNSON,
12 Plaintiff,

13 v.

14 RON VAN BOENING, *et al*,
15 Defendants.

Case No. C08-5428FDB-KLS

ORDER REGARDING SERVICE
OF AMENDED COMPLAINT ON
DEFENDANTS JOHNSON,
NGETE AND NARANJO

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19 This matter comes before the court on plaintiff's filing of an amended civil rights complaint pursuant
20 to 42 U.S.C. § 1983. (Dkt. #40). Plaintiff has been granted *in forma pauperis* status in this case. (Dkt. #7).
21 However, because service of the original complaint was not properly effected on defendants Herb Johnson,
22 Lanette Ngete, and Jolene Naranjo, the Court will not order service of the amended complaint on those three
23 defendants at this time.

24 On January 9, 2008, plaintiff filed an amended complaint (Dkt. #40), pursuant to the Court's order to
25 show cause that he do so (Dkt. #38). The Court had ordered plaintiff to file an amended complaint because
26 of certain deficiencies contained therein. (Dkt. #38). As it appears plaintiff's amended complaint sufficiently
27 has cured those deficiencies, a report and recommendation, dated the same date herewith, has been issued in
28 which it is recommended that defendants' motion to dismiss (Dkt. #29) be denied.

1 In his amended complaint, plaintiff names a new defendant, Charyl Jorban. (Dkt. #38). Plaintiff also
2 has provided a copy of the amended complaint and service form for service by the United States Marshals on
3 defendant Jorban. Such service now has been ordered by the Court. See Order Directing Service, dated the
4 same date herewith. Service of the original complaint on defendants Johnson, Ngete and Naranjo, however,
5 was returned unexecuted on August 11, 2008.¹ See (Dkt. #13-#14, #16). Apparently, none of them could be
6 located at the address provided by plaintiff. See id.

7 Accordingly, the Court will not serve the amended complaint on these three defendants at this time.
8 Instead, the Clerk is directed to send **three (3)** service forms to plaintiff for him to fill out with the proper
9 address(es) for effecting service on each of defendants Johnson, Ngete and Naranjo, and return them to the
10 Court so that the Court can attempt service by mail via the United States Marshals. In addition, plaintiff
11 must provide **three(3)** copies of the amended complaint for service thereon. Both the forms and the copies
12 of the amended complaint must be returned on or before **March 13, 2009**, or the Court will recommend
13 dismissal of those defendants from this action for failure to prosecute.

14 The Clerk is directed to send a copy of this Order to plaintiff.

15 DATED this 11th day of February, 2009.

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19 Karen L. Strombom
20 United States Magistrate Judge
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28 ¹The original complaint and service form sent to the address provided by plaintiff for defendant Chad Hostetler came back
unexecuted as well. See (Dkt. #15). However, because the amended complaint does not named defendant Hostetler as a defendant,
he is no longer a party to this case, and therefore service no longer need be effected on him.